

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 4, 2003

IN RE:

**PETITION OF CHATTANOOGA GAS COMPANY,
NASHVILLE GAS COMPANY, A DIVISION OF
PIEDMONT GAS COMPANY, AND UNITED
CITIES GAS COMPANY, A DIVISION OF ATMOS
ENERGY CORPORATION FOR A
DECLARATORY RULING REGARDING THE
COLLECTIBILITY OF THE GAS COST PORTION
OF THE UNCOLLECTIBLE ACCOUNTS UNDER
THE PURCHASE GAS ADJUSTMENT ("PGA")
RULES**

**DOCKET NO.
03-00209**

**ORDER GRANTING IN PART THE REQUEST TO TAKE
OFFICIAL NOTICE PURSUANT TO TENN. CODE ANN. § 4-5-313**

This matter is before the Pre-Hearing Officer on the *Amended Request to Take Official Notice Filed by the Consumer Advocate and Protection Division of the Office of the Attorney General* (the "*Request*"), filed with the Tennessee Regulatory Authority (the "TRA") on October 23, 2003, in which the Consumer Advocate and Protection Division (the "CAPD") requests that the TRA take official notice of the following documents pursuant to Tenn. Code Ann. § 4-5-313(6):

1. [CAPD] Exhibits dated September 19, 1997. *In re Petition of Chattanooga Gas Company to Place Into Effect a Revised Natural Gas Tariff*, Docket No. 97-0092.
2. Dan McCormac Direct Testimony & CAPD Joint Exhibit, Schedule 11 Dated August 18, 2003, *In Re Application of Nashville Gas Company, A Division of Piedmont Natural Gas Company, Inc. for an Adjustment of its Rates and*

Charges for Approval of Revised Tariffs and Approval of Revised Service Regulations, Docket No. 03-00313.

3. Direct Testimony [CAPD] Exhibits, dated September 25, 1995, *In Re Petition of United Cities Gas Company, a Division of Atmos Energy Corporation, to Place Into Effect Revised Tariff Sheets*, Docket No. 95-02258.
4. Order on Request for Special Accounting Treatment, Attorney General's Reply Comments dated October 24, 2001, Letter dated October 25, 2001 from James P. West, Esq. of West Law Offices, P.C. on behalf of Carolina Utility Customers Association, Motion and Response of Piedmont Natural Gas Company to Reply Comments of the Attorney General dated October 26, 2001. *In the Matter of Application of Piedmont Natural Gas Company, Inc. for Approval of Special Accounting Procedures*, Docket No. G-9, SUB 453.

Under Tenn. Code Ann. § 4-5-313(6), the TRA may take official notice of the following:

- (A) Any fact that could be judicially noticed in the courts of this state;
- (B) The record of other proceedings before the agency;
- (C) Technical or scientific matters with the agency's specialized knowledge; and
- (D) Codes or standards that have been adopted by an agency of the United States, of this state or of another state, or by a nationally recognized organization or association.

The Pre-Hearing Officer finds that requests 1, 2, and 3 comply with the criteria of subsection (B) and concludes that official notice is, therefore, appropriate as to these three requests, so long as the CAPD files in this Docket each of the associated documents.

With the information provided, the Pre-Hearing Officer finds no provision of Tenn. Code Ann. § 4-5-313(6) permitting official notice to be taken of the document(s) represented in request 4 and, therefore, concludes that official notice as to this request should be denied.

Having received no objections to the CAPD's *Request*,

IT IS THEREFORE ORDERED THAT:

1. Official notice is hereby taken in this Docket of requests 1, 2, and 3 above.
2. All documents of which official notice will be taken pursuant to requests 1, 2, 3 shall be filed with the TRA in this Docket by the CAPD no later than 2 p.m. on Thursday, November 6, 2003.
3. The request to take official notice of number 4 above is hereby denied.

A handwritten signature in cursive script, appearing to read "K Beals", is written above a horizontal line.

Kim Beals, Counsel
as Pre-Hearing Officer